

**REMARKS**

**I. Status of the Claims**

Claims 23-24, 28, and 31 are currently pending. No amendments are present herein. Accordingly, no new matter has been added.

**II. Rejection under 35 U.S.C. § 112 and Interview Summary**

Claims 23-24, 28, and 31 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Office Action at page 2. Specifically, the Examiner alleged that the rejection "is a **new matter** rejection." *Id.* (emphasis original). The Examiner states that "[f]or claim [23], the specification does not support the definition of R<sub>4</sub> as 'phenyl, which is optionally substituted with -OH, alkoxy or halogen.'" *Id.* Further, the Examiner argues that "[c]laim 24 is broader than claim 23 . . . [because] claim [24] defines R<sub>4</sub> as 'chosen from phenyl, (C<sub>1</sub>-C<sub>20</sub>)-alkylphenyl and (C<sub>12</sub>-C<sub>30</sub>)-alkyl which is optionally substituted with -OH, alkoxy or halogen.'" *Id.* Applicants respectfully traverse.

Applicants thank the Examiner for the telephone interview of December 2, 2008, discussing this rejection and the language of the claims. Applicants pointed out that claim 23 as-amended required R<sub>4</sub> to be "chosen from phenyl, (C<sub>1</sub>-C<sub>20</sub>)-alkylphenyl, and (C<sub>2</sub>-C<sub>20</sub>)-alkyl, which is optionally substituted with -OH, alkyloxy or halogen." See Amendment of June 19, 2008, at page 3. The Examiner acknowledged amended claim 23 and agreed the rejection was improper.

Accordingly, the Examiner indicated that the claims are in condition for allowance.

### III. Conclusion

Applicants respectfully request that this Reply under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 23-24, 28, and 31 in condition for allowance. In view of the foregoing remarks, Applicants submit that this claimed invention is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the entry of this Reply, the Examiner's reconsideration of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: December 4, 2008

By: 

Anthony C. Tridico  
Reg. No. 45,958  
(202) 408-4000